

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

STATE OF MONTANA,

Plaintiff,

vs.

TALEN MONTANA, LLC, f/k/a PPL  
Montana, LLC, and NORTHWESTERN  
CORPORATION, d/b/a NorthWestern  
Energy, a Delaware corporation, and  
UNITED STATES OF AMERICA,  
United States Forest Service, United  
States Bureau of Reclamation, and United  
States Bureau of Land Management,

Defendants.

CV 16–35–H–DLC

ORDER

Before the Court is Plaintiff State of Montana’s Motion for Clarification on the Number of Trial Days. (Doc. 348.) Defendants oppose the motion and have filed a response. (*Id.* at 3; Doc. 349.)

The Court will not set an outer limit on the number of trial days in this matter at this time except to state the number of courtroom days set aside for this trial. The Court has set aside twelve courtroom days for trial, commencing on

January 4, 2022, and ending on January 20, 2022.<sup>1</sup> The Court commends the parties on their efforts to make trial more efficient, including stipulating to the admission of expert reports and most exhibits (Doc. 348 at 2), and to that end hopes that it will not be necessary to use all of the courtroom days set aside for this trial. In the interest of further promoting efficiency and avoiding unnecessary burdens on counsel and witnesses, the Court will order the parties to disclose to opposing counsel by the end of each trial day which witness or witnesses they intend to call during the following trial day and how long they expect direct examination of each witness to take.

Accordingly, IT IS ORDERED that the Motion (Doc. 348) is GRANTED IN PART and DENIED IN PART. The Court clarifies that it has set aside twelve courtroom days for trial from January 4 to January 20, 2022. The Court will not set further limitations on the number of trial days it will allow at this time.

IT IS FURTHER ORDERED that by the close of trial on each day of trial, the parties shall disclose to opposing counsel the witness or witnesses they intend to call the following trial day and how long they expect direct examination of each witness to take.

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<sup>1</sup> This calculation excludes January 17, 2022, on which the Court will be closed in observation of Martin Luther King, Jr. Day.

DATED this 29th day of December, 2021.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

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Dana L. Christensen, District Judge  
United States District Court